S/S Wise Avenue, 580'+/- of the c/1 of E Lynch Road DEPUTY ZONING COMMISSIONER (7825 Wise Avenue) 12th Election District OF BALTIMORE COUNTY 7th Councilmenic District Case No. 88-247-A Andrew Fackett, et ux Petitioners

FINDINGS CT. FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a zoning variance to permit a rear yard setback of 8 feet in lieu of the required 20 feet for an existing garage, as more particularly described on the plan submitted, prepared by Frank S. Lee dated August 14, 1987.

The Petitioners, Andrew and Anna Fackett, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned B.L.-C.N.S., is located on Wise Avenue and is improved with an existing dwelling and a garage. Mr. Fackett testified that he purchased the property approximately 45 years ago, at which time the property was divided into two lots. Mr. Fackett further tes- \int tified that his residence is located on the front lot of the property, which faces Wise Avenue, and that the garage was constructed approximately 40 years ago on the rear lot. Approximately 25 years ago, townhouses were constructed to the rear of his property. Thereafter, Baltimore County constructed an alley between his property and the townhouse development, which resulted in the garage being located 8 feet +/- from the alley. The Petitioners indicated that if the

FRANK S. LEE Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

No. 7825 Wise Avenue Lots 28 & 29, plat of Eddlynch, 9/17 12th District Baltimore County, Maryland

Beginning for the same on the southwest side of Wise Avenue at the distance of 580 feet measured northwesterly along the southwest side of Wise Avenue from the west side of Lynch Road, and being known and designated as lots 28 and 29 as laid out and shown on the plat of Eddlynch, said plat being recorded among the land records of Baltimore County in Plat Book 9 folio 17.

Containing 10,250 square feet more or less.

The Petitioners seek relief from Section 232.3B, pursuant to Section 307 the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

Based upon the testimony and evidence presented at the hearing, in the opinion of the Deputy Zoning Commissioner, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this ______ day of January, 1988 that a rear yard setback of 8 feet in lieu of the required 20 feet for an existing garage, in accordance with the plan submitted, prepared by Frank S. Lee dated August 14, 1987, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Hr. & Mrs. Andrew Packett

7825 Wise Avenue
Raltimore, Maryland 21222

Case No. 88-247-A

noted in the attached Order.

Dear Mr. & Hrs. Facketts

AMHIDJS .

Enclosures.

cc: People's Counsel

RE: Petition for Zoning Variance

3/S Wise Evenue, 580! +/- from the c/l of E Lynch Road

Enclosed please find the decision rendered on the above-referenced case.

The Petition for Zoning Variance has been Granted, subject to the restriction

In the event the decision rendered is unfavorable to any party, please be advised, that ary party may file an appeal to the County Board of Appeals.

For further information on filing an appeal, please contact this office.

12th Election District; 7th Councilmanic District

Prior to the issuance of a permit, the Petitioners shall submit to the Deputy Zoning Commissioner or Zoning Supervisor a revised site plan showing the following: a) the zone line for the neighboring residential

b) a zone use division line between the front lot and rear lot of the property; c) the paving of the parking area supporting the

3) As long as the garage is used for commercial purposes, the Petitioner shall not permit vehicular ingress or egress to the rear of the property from the alley.

> Deputy Zoning Commissioner of Baltimore County

8 2 2

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

J. ROBERT HAINES ZONING COMMISSIONER

> Hr. Andrew Fackett 7825 Wise Avenue Baltimore, Haryland 21222

RE: Petition for Zoning Variance S/S Wise Avenue, 580° to c/l of E Lynch Road 12th Election District; 7th Councilmanic District Case No. 88-247-A

Dear Mr. Facketts

This is to advise you that 77.20 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

ore County, Maryland, and remit

ilding, Towson, Maryland exceived Andrews Franket

Post in Williation. B B0114 *** * * 7 120: a 707. F

PETITION FOR ZONING VARIANCE TO THE ZONING COLMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimere County and which is lescribed in the description and plot stached hereto and made a part hereof, hereby petition for a

Variance from Section 232.3.b. to permit a rear yard secback

(existing) of 8 feet in lieu of the required 20 feet.

of the Zoning Regulations of Saitimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate aardship or practical difficulty)

1980年的1980年 1980年 1

1. When the county widened the road they didn't leave enough footage out front of house to comply with now existing zoning

2. Buildangs were built before zoning laws were in effect.

Property is to be posted and advertised as prescribed by Zaning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon aling of this petition, and further agree to and are to be bound by the noning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the pensities of perjury, that I/we are the legal owner(s) of the proporty which is the subject of this Petition. Legal Owner(s): ABDREW PACKETT..... (Type or Print Name) NNA C. PACKETT City and State Attorney for Petitioner 288-1630 7H25 Wise Avenue (Type or Print Name) Baltimore, Caryland

CERTIFICATE OF PUBLICATION

OFFICE OF

Dundalk Eagle

The Jaming Communicate of Bulli-more Charly by authorsy of Bu-Jaming Act and Regulations of Bulliboaring on the project identifies herein in From 105 of the David Cifics Bulling, braind at 111 1 tend on failure of Poblics for Bushy Business SAF to 6/1 of E. Lynch Steel (78.3 Who Anomal 12th Election Dispict 7th Cornelinante Cistrict Andrew Facinit - Politicary COM BY MANA Personal Annual 7, 1906 at 200 Mil in the exact that the Potons is

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A BULLET HERE

ECTIMATED LENGTH OF HEARING

GOOD TOLLS. ALED. - NEXT TWO PONTES

4 N. Center Place P.O. Box 8936 Dundalk, Md. 21222

THIS IS TO CERTIFY, that the annexed advertisement of p. Robert Haines in the matter of Zoning Hrgs. Case 88-247-A - P.O. #94918 - Req. #MO8764 - 69 lines # \$27.60. Was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week awaresian weekschefore the 19 87; that is to say, December the same was inserted in the issues of Doc. 17, 1987

> Kimbel Publication, Inc. per Publisher.

*4 ANN M. NASTAROWICZ

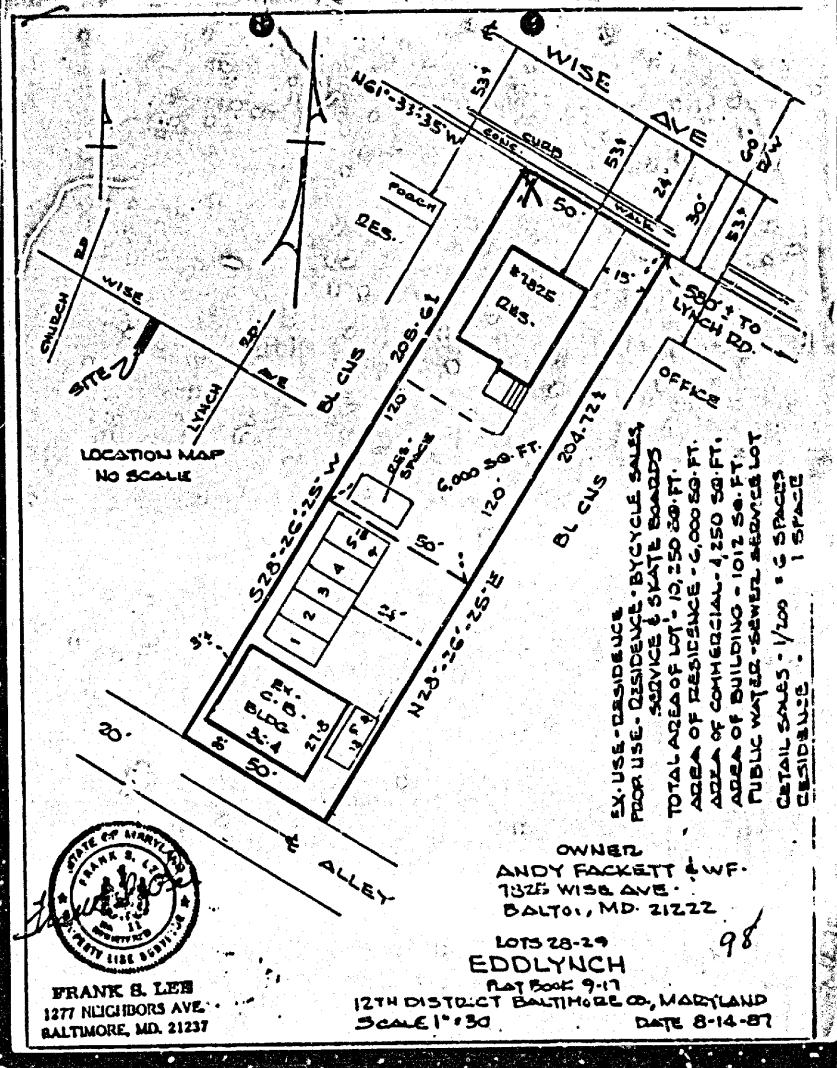
of Beltimore County

Deputy Zoning Commissioner

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows: Potition for Zoning Variance S/S Wise Avenue, 580 to c/l of E. Lynch Road (7835 Wise Avenue) 12th Election District; 7th Councilmanic District Andrew Fackett - Petitioner Case No. 88-247-A Thursday, January 7, 1988 at 9:00 AM In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. BALTIMORE COUNTY, MARYLAND No. 41581 oning Commissioner of OFFICE OF FINANCE - REVENUE DIVISION altimore County MISCELLANEOUS CASH RECEIPT 1000-615 RECEIVED My. + MAS a. Sockett Commerce 1 Davance Than # 98 B B DS2++++10000ta 2092F

TONING DEPARTY WILLY BALTIMORS COUNTY 88-247-4 Posted for: UDMONCS Politicaer: Androw Fackati Location of property: \$2 Mile Mile Sto Sto Like Hill. Location of Signe: Freite Mise Mise Ass appear 10 for 200 d way, or from for by of Leliferner 88-247-A BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 1111 W. (hasapeate Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this day of November Petitioner Apdrew Fackett. et ux Received by: James E. Dyer Petitioner's Chairman, Coning Plans Advisory Committee

LOCATION MAP NO SCALE OWNER ANDY FACKETT &WF. 1825 WISE AVE . BALTON, MD. ZIZZZ LOTS 28-29 EDDLYNCH FRANK B. LEH 12TH DISTRICT BALTIHORE CO, MARYLAND 1277 NEIGHBORS AVE. BALTIMORE, MD. 21237 Scale 1"130



Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

September 22, 1987

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dernis F. Rasmussen

Re: Property Owner: Andre Fackett, et ux

VALIDATION OR SIGNATURE OF CASHIER ...

Location: S/S Wise Avenue, 580' +- c/1 E. Lynch Road

Item No.: 98

Zoning Agenda: Meeting of 9/22/87

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

2. A second means of vehicle access is required for the site.

) 3. The vehicle dead end condition shown at ____

EXCEFDS the maximum allowed by the Fire Department.) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition

() 6. Site plans are approved, as drawn.

prior to occupancy.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Catt 1 -- 11 11 9-22-87 Approved:

Flanking Group

Special Inspection Division

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

Zoning Commissioner County Office Building Towson, Maryland 21204

Meeting of September 22, 1987

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 96, 97, 98 99, 100, 101, 102, 103, 104, and 105.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

MSF:sb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zoning Commissioner

Date November 23, 1987

Norman E. Gerber, AICP FROM Director of Planning and Zoning

Zoning Petitions No. 88-256-A, 88-249-A SUBJECT_88-248-A 88-247-A, 88-246-A, 88-245-SPH

There are no comprehensive planning factors requiring comment on this

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE December 23, 1987

COUNTY OFFICE SLDG. .11 W. Chesspeake Ave Towson, Meryland 21204

Mr. Andrew Fackett 7825 Wise Avenue Baltimore, Maryland 21222

Dear Mr. Fackett:

RE: Item No. 98 - Case No. 88-247-A Petitioner: Andrew Fackette et ux Petition for Zoning Variance

to serus

Department of Bureau of Fire Prevention Health Department

Project Planning Beilding Department Board of Education Soning Administration Industrial Development '

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Comalssioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the Jate of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours.

JANES E. DYER

Zoning Flans Advisory Committee

JED: kkb Enclosures

cc: Frank S. Lee 1277 Neighbors Avenue Baltimore, Maryland 2:237